

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY QUITO

C O N F I D E N T I A L STATE 023979

FOLLOWING SENT SECSTATE WASH DC INFO BUENOS AIRES 25 JAN; ALSO SENT TO

LA PAZ 03 FEB 74;

QUOTE C O N F I D E N T I A L LIMA 668

E.O. 11652: N/A

TAGS: EAIR, PE

SUBJ: CIVAIR CONSULTATIONS

REF: LIMA 0643

1. SUMMARY: AT FINAL MEETING BETWEEN DELEGATIONS, PERU DEL
READ GOP STATEMENT THAT BRANIFF MUST COMPLY WITH TERMS OF
RESTRICTIONS IN ITS PERMIT AS OF FEBRUARY 1 AND DISPUTING U.S.
RIGHT TO TAKE ACTION AGAINST AEROPERU. STATEMENT ALSO SAID
DOOR WAS OPEN FOR FURTHER NEGOTIATIONS. AFTER MAKING IT CLEAR
FOR RECORD THAT USG HAD RIGHT ACT AGAINST AEROPERU IN VIEW FACT
THAT PERU AHD VIOLATED BILATERAL AGREEMENT, AND THAT USG WAS
ALSO LEAVING THE DOOR OPEN, USDEL DISCUSSED SCHEDULE BRANIFF
MIGHT FILE TO COMPLY WITH PERMIT. END SUMMARY

2. DELEGATIONS RESUMED DISCUSSIONS MORNING JANUARY 24. DGTA
BERCKEMEYER READ GOP STATEMENT (TEXT WILL BE SENT SEPTTEL) WHICH
IN EFFECT REJECTED EXTENSION OF DEADLINES IN BRANIFF'S PERMIT
AND U.S. PROPOSAL FOR CONTINUATION PRESENT OPERATIONS BY BOTH
AIRLINES UNTIL MAY 1, AND SAID BRANIFF MUST COMPLY WITH RESTRIC-
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TIIONS IN PERMIT EFFECTIVE FEBRUARY 1 (E.E., LAST OPTION IN U.S.

STATEMENT OF JANUARY 23). STATEMENT ARGUED THAT GOP MUST REGARD ANY SUSPENSION OF SERVICE BY BRANIFF AS VOLUNTARY AND SAID ANY U.S. ACTION AGAINST AEROPERU WOULD BE VIOLATION OF BILATERAL CIVIL AGREEMENT AND THEREFORE A HOSTILE ACT. HOWEVER, STATEMENT ENDED ON NOTE THAT GOP WOULD ALWAYS KEEP DOOR OPEN FOR FURTHER NEGOTIATIONS.

3. FOR RECORD (SINCE GOP STATEMENT WAS 90 PERCENT POSTURING), USDEL DISPUTED STATEMENTS RE BRANIFF'S SUSPENDING VOLUNTARILY AND ILLEGALITY ANY U.S. ACTION AGAINST AEROPERU. WE NOTED THAT, WHILE USG ALSO LEFT DOOR OPEN FOR FURTHER TALKS, CLIMATE FOR TALKS WOULD BE WORST UNDER OPTION GOP HAD CHOSEN TO TAKE. BERCKEMEYER AGREED IT NOT REALISTIC CONTINUE TALKS INTO NEXT WEEK AND CHARACTERIZED SITUATION AS AN "INTERRUPTION" IN TALKS. WE ACCEPTED THIS VIEW.

4. USDEL THEN PROPOSED THAT BRANIFF SCHEDULE BE TABLED FOR GOP APPROVAL. PERU DEL SAID LAW REQUIRED BRANIFF FILE DIRECTLY BUT ACCEPTED USDEL'S SUGGESTION THAT SCHEDULE BE DISCUSSED AND AGREED UPON INFORMALLY, AFTER WHICH BRANIFF WOULD MAKE FORMAL FILING. BRANIFF REPRESENTATIVES THEN PARTICIPATED TO DISCUSS DETAILS.

5. DURING THIS DISCUSSION, A REPORT WAS RECEIVED TENDING TO CONFIRM PRESS REPORTS THAT AEROPERU WAS GOING TO MAKE AN APPROACH TO USG (OR TO BRANIFF ACCORDING TO ANOTHER REPORT) TO TRY TO WORK OUT SOME IMPROVEMENT FOR BRANIFF TO AVOID SUSPENSION OF AIR SERVICES. ALTHOUGH MEMBERS OF PERU DELEGATION HAD SAID EARLIER IN THE MORNING THAT PRESS REPORTS WERE NOT TRUE, WE DECIDED IT WAS NECESSARY TO PROTECT OUR CREDIBILITY RE UNACCEPTABILITY OF BRANIFF PERMIT. ACCORDINGLY, AS TACTICAL MOVE, U.S. CHAIRMAN ANNOUNCED HE HAD JUST RECEIVED FURTHER GUIDANCE FROM HIS GOVERNMENT THAT IT WISHED TO REVIEW QUESTION OF WHETHER OR NOT BRANIFF SHOULD FILE SCHEDULE TO OPERATE UNDER RESTRICTIONS IN PERMIT. HE SUGGESTED DISCUSSIONS RE DETAILS BRANIFF'S SCHEDULES ON ASSUMPTION FILING MIGHT BE MADE.

6. DETAILS RE BRANIFF'S SCHEDULE WERE THEN TENTATIVELY AGREED, DELEGATIONS SHOOK HANDS ALL AROUND, AND MEETINGS ENDED ON THE COURTEOUS NOTE WHICH HAD BEEN MAINTAINED THROUGHOUT (IN CONTRAST TO THE VIRULENT PRESS TREATMENT).
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